

## **REMARKS**

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Official Action dated March 12, 2003, which had been made FINAL, the Examiner rejected Claims 1, 3, 7, 10-14 and 16-20 under 35 U.S.C. §102(b), as being anticipated by Will (U.S. Patent No. 5,477,508) (hereinafter "Will"). The Examiner further rejected Claims 8 and 15 under 35 U.S.C. §103(a), as being unpatentable over Will. The Examiner did further object to Claims 2, 4-6 and 9 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicant subsequently had appealed the Examiner's rejection of the Claims 1, 3, 7, 10-14 and 16-20 and the Decision on Appeal rendered April 19, 2005 sustained the Examiner's rejections with respect to the appealed claims.

Applicant now hereby re-files this case and submit this preliminary amendment to seek allowance of claims having subject matter indicated as allowable by the Examiner.

For instance, in this amendment, Claim 1 is being canceled and the subject matter thereof is now being incorporated in amended Claim 2, now set forth in independent form. As the Examiner had indicated the subject matter of Claim 2, to wit: the time keeping display minute indicator movement is changed from coarse-grain time movement in said first direction to fine-grain time movement in said changed direction constituted allowable subject matter, applicant respectfully solicits allowance of Claim 2 as amended.

Furthermore, in this response, Claims 6-8 are being canceled and the dependency of Claim 9 is being changed in accordance with the cancellation of Claim 1.

In concordance with the indication of allowable subject matter of Claim 2, Claims 11 and 12 are being canceled and Claim 13 is being amended to set forth, in independent form, a corresponding system for dynamically controlling a time keeping display indicator navigating through a time keeping display having minute and hour indicators for a time keeping function. The system recites a control device (e.g., element 50, Figure 2 of the present specification) that performs the method steps such as set forth in allowable Claim 2 with the added limitation that said time keeping display minute indicator movement is changed from coarse-grain time movement in said first direction to fine-grain time movement in said changed direction. As this limitation was indicated by the Examiner as comprising allowable subject matter, the allowance of Claim 13 is respectfully solicited. Claims 14 and 15 are further being amended to properly depend upon Claim 13.

Notwithstanding the allowability of amended Claims 2 and 13 directed to dynamically controlling a time keeping display indicator navigating through a time keeping display having minute and hour indicators for a time keeping function, the method and system of the present invention is generally applicable for dynamically controlling a display indicator navigating through a display provided in a wearable appliance that displays textual or graphical content.

Thus, in concordance with the indication of allowable subject matter of Claim 2, Claim 10 is being amended to set forth a system for dynamically controlling a display indicator navigating through a high-resolution display provided in a wearable appliance that

displays textual or graphical content. As set forth in amended Claim 10, the system comprises:

a scroll device for manipulation by a user to provide said scrolling functions for advancing said display indicator, said scroll device generating scroll events; and,

a control device for receiving said scroll events, tracking an advancing direction of said indicator by counting received scroll events, . . . , the control device receiving first scroll signals from the scroll device and, in response to received first scroll signals, incrementally advancing the display indicator in a first direction according to fine-grain indicator movement, and simultaneously tracking the advancing direction and, counting the received first scroll signals; and, the control device thereafter, in response to continued receipt of first scroll signals, seamlessly advancing the display indicator according to coarse-grain time increments in the first direction when a count of the received first scroll signals in the first direction exceeds a predetermined number, the coarse-grain display indicator movement greater than the fine-grain display indicator movement such that fewer scroll device manipulations are required to navigate to a desired text or graphical content in the display; and, the control device further receiving second scroll signals in response to manipulating the scroll device to change navigation direction of the display indicator, the control device determining the change in direction; and, incrementally advancing the display indicator in the changed direction according to fine-grain display movement, wherein the display indicator movement is changed from coarse-grain movement in the first direction to fine-grain movement in the changed direction. The system as set forth in amended Claim 10 thus recites a control device (e.g., element 50, Figure 2 of the present specification) that performs the method steps such as set forth in allowable Claim 2 with the added limitation that the display

indicator movement is changed from coarse-grain movement in the first direction to fine-grain movement in the changed direction. As this limitation dictates display indicator fine/course-grain movement change generally for a display having textual or graphic content as set forth by the algorithm depicted on page 18 of the present specification (and is akin to the fine/course-grain movement change for controlling indicator navigation for a time keeping display indicated as constituting allowable subject matter as in Claim 2) it is respectfully submitted that amended Claim 10 is further constitutes allowable subject matter and the allowance of amended Claim 10 is respectfully solicited.

In concordance with the indication of allowable subject matter of Claim 2, Claim 19 is being canceled and the subject matter thereof being incorporated in amended Claim 20 now cast in independent form to set forth a method for dynamically controlling a display indicator navigating through a display provided in a wearable appliance that displays textual or graphical content, the appliance implementing a scroll device for generating scroll events in response to user manipulation thereof. The claimed method comprises:

- a) incrementally advancing said display indicator in response to each received scroll event in a first direction to provide fine-grain indicator movement, and simultaneously tracking the advancing direction;
- b) counting said received scroll events;
- c) thereafter, in response to continued receipt of scroll events, seamlessly advancing said display indicator according to coarse-grain indicator movements in said first direction when a count of said received scroll events in said first direction exceeds a predetermined number, said coarse-grain indicator movements greater than said fine-grain indicator

movements in said display, whereby fewer scroll device manipulations are required to navigate to a desired text or graphical content in said display; and,

d) receiving scroll events in response to manipulating said scroll device to change navigation direction of said display indicator;

e) determining said change in direction; and,

f) incrementally advancing said display indicator per received scroll event in said changed direction to provide fine-grain display indicator movement, wherein said display indicator movement is changed from coarse-grain display movements in said first direction to fine-grain display movements in said changed direction. As this limitation dictates display indicator fine/course-grain movement change generally for a display having textual or graphic content as set forth by the algorithm depicted on page 18 of the present specification (and is akin to the fine/course-grain movement change for controlling indicator navigation for a time keeping display indicated as constituting allowable subject matter as in Claim 2) it is respectfully submitted that amended Claim 20 is further constitutes allowable subject matter and the allowance of amended Claim 20 is respectfully solicited.

Notwithstanding the allowability of Claims 2, 10, 13 and 20 as amended herein, Claim 17 is being canceled and the subject matter thereof being incorporated in amended Claim 16 tracking language in amended Claim 20. For the aforesaid reasons, the allowance of amended Claim 16 is respectfully solicited.

Respectfully, with respect to amended Claims 2, 10, 13, 16 and 20, Will does not anticipate these claims as amended herein. Will simply does not count the scroll signal or scroll events as a control mechanism for indicator speed increments and as the Examiner correctly indicated, does not anticipate the feature of changing display indicator movement

from coarse-grain display movement in a first direction to fine-grain display movements in a changed direction regardless of whether the display indicator is navigated in a time-keeping display mode or a display mode having textual/graphic content.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Fischman", with a long horizontal flourish extending to the right.

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